

Wetlands Bureau Decision Report

Decisions Taken
03/02/2009 to 03/08/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-00877 JAMES POWERS INC
LITTLETON Unnamed Wetland

Requested Action:

Applicant requests a waiver of the ARM Fund payment deadline to be extended from the 120 days of the November 21, 2008 deadline to 10 days prior to the start of construction. The request is due to the necessary review needed by DES Subsurface Systems Bureau to verify the subdivision complies with proper setbacks.

Conservation Commission/Staff Comments:

This project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund. The payment is \$50,015.99 and shall be deposited in the DES fund for the "Connecticut River - Johns River to Waits River" watershed.

OTHER:

NHDES hereby approves the waiver request to extend the payment deadline to June 1, 2009 and not to 10 days prior to construction.

With Conditions:

1. The NHDES Wetlands Bureau file #2008-877 shall be updated monthly from the date of this letter as to the status of the DES Subsurface Systems review.
2. A copy of the DES Subsurface Systems inspection report involving the verification of compliance to proper setbacks shall be submitted to NHDES.
3. The ARM Fund payment shall be submitted by June 1, 2009 or within 20 days of the compliance inspection if setbacks are met.
4. If the DES Subsurface Systems Bureau does not approve the site conditions the application will be denied.

With Findings:

1. NHDES approves the waiver of Env-Wt 803.08(f) due to a pending DES review which will take place after snow melt.
2. Extending the time frame for payment into the ARM Fund until June 1, 2009 is reasonable and will not have an adverse effect on the environment or natural resources of the State and will not impact abutting properties.
3. Extending the time frame for payment into the ARM Fund until June 1, 2009 is reasonable as the DES subsurface bureau requires more time to adequately inspect the site and issue a decision.
4. The 120 day requirement cannot be extended to 10 days prior to construction as the payment calculated may change due to land values and cost of inflation.
5. RSA 482-A:3 and the DES administrative rules establish application process time frames which are followed by the Wetlands Bureau and this application request was processed accordingly.

2008-02094 BAKER, GREGORY
ENFIELD Smith Pond

Requested Action:

Dredge and fill a total of 2224 square feet of jurisdictional area in the repair and reconstruction of five earthen berms/dams to stabilize the pond level of Smith Pond, Enfield.

APPROVE PERMIT:

Dredge and fill a total of 2224 square feet of jurisdictional area in the repair and reconstruction of five earthen berms/dams to stabilize the pond level of Smith Pond, Enfield.

With Conditions:

1. All work shall be in accordance with plans by The Turner Group dated September 28, 2008, and revised through February 16, 2009, as received by the Department on February 17, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
6. Work shall be in compliance with the Special Use Permit issued on February 3, 2009 by NH Fish and Game.
7. No stumps, outside of permitted work areas or within the footprint of the berm structures, shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
8. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. Work shall be done during low flow and the pond water level shall be at a drawdown.
11. No work shall be done during the loon breeding season. Work shall not occur between May 1 and September 30 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game and the Loon Preservation Committee.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. No equipment shall enter the water.
16. All work shall be done from the top of the bank.
17. The Permittee shall monitor the weather and will not commence work within water, including the installation of cofferdams, when rain is in the forecast.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Prior to commencing work on a substructure located within surface waters, appropriate turbidity controls shall be installed, which may include a coffer dam to isolate the substructure work area from the surface waters.
22. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
23. Work within the surface waters, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
24. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
25. Temporary cofferdams shall be entirely removed immediately following construction.
26. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
27. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
28. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

29. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
30. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
31. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(h); Projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
2. The work will comply with NHDES Executive Order #98-03.
3. The NHDES Dam Safety Bureau lowered the water level within Smith Pond in 2007, by removing a portion of the dike at the new spillway location as the dams at full pond elevation were considered a threat to public safety.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided plans for reconstructing the dams and creating a spillway that meets the criteria of the NHDES Dam Safety Bureau.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on October 30, 2008. Field inspection determined the wetlands were appropriately delineated and the dams were indeed in poor shape.
9. The applicant has provided a letter of authorization from the owner of Enfield tax map 3, lot 10, Cavicchi Rev Trust, agreeing to the proposed project on their land.
10. The applicant has provided a Special Use Permit from NH Fish and Game for work proposed on their land Enfield Tax Map 7, lot 10.
11. The Enfield Conservation Commission discussed this project at their September 4, 2008 meeting and voted to unanimously approve the proposed project.
12. The applicant has provided a letter of no adverse affect from NH Department of Historical Resources.
13. The Loon Preservation Committee supports the proposed project as it will stabilize the water levels of Smith Pond within the loon breeding season.
14. The proposed project meets Env-Wt 803.06 as the proposed project will enhance habitat that supports rare, threatened, or endangered species, or species of concern, as identified by the natural heritage bureau or by the New Hampshire department of fish and game's New Hampshire Wildlife Action Plan, 2005.
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

2007-02504 ERAMO/ ANGELO, STEPHEN & MICHELE
HAVERHILL Unnamed Wetland

Requested Action:

Proposed after-the-fact approval to retain and finalize 600 sq. ft. of forested wetlands and associated intermittent stream (60 linear feet) impacts for construction of a driveway and waterline to a proposed single family building lot. Work in wetlands consists of installation of a 12 in. x 24 ft. HDPE culvert, associated fill and culvert headwalls, installation of a proposed waterline and stabilization of temporary impacts to the associated intermittent stream and forested wetlands.

APPROVE AFTER THE FACT:

After-the-fact approval to retain and finalize 600 sq. ft. of forested wetlands and associated intermittent stream (60 linear feet) impacts for construction of a driveway and waterline to a proposed single family building lot. Work in wetlands consists of installation of a 12 in. x 24 ft. HDPE culvert, associated fill and culvert headwalls, installation of a proposed waterline and stabilization of temporary impacts to the associated intermittent stream and forested wetlands.

With Conditions:

1. All work shall be in accordance with plans and narratives by Lobdell Associates Inc., as received by DES on August 11, 2008 and revised plans and narratives by Lobdell Associates Inc., including plan titled "Plan View" by Harry Burgess, dated October 24, 2008 (as depicted in DES Sub-Surface System approval #CA2008095734), as received by DES on February 2, 2009.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.
5. The proposed waterline shall be installed within the "foot print" of the existing driveway impacts or installed with no additional impacts to wetlands or surface waters (i.e., direct drilling under wetlands or surface waters and banks) without further permitting from DES Wetlands Bureau.
6. All work associated with the wetlands crossing (including stabilization and waterline installation) shall be completed by July 1, 2009 and a follow-up monitoring report prepared by a NH Certified Wetland Scientist ("CWS") including narratives and photographs depicting completed work and successful vegetation cover on all disturbed wetland soils and adjacent upland soils shall be submitted to the Wetlands Bureau, Compliance Section by July 15, 2009.
7. Wetland restoration/stabilization areas shall have at least 75% successful establishment of wetlands vegetation after one growing season, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact 303.04(n).
2. The project would have qualified as minimum impact per Administrative Rule Env-Wt 303.04(z) and/or Env-Wt 303.04(n), however, the impact exceeded 50 linear feet.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The driveway will provide access to the upland portion of the lot.
5. The applicant has received approval from the DES Subsurface Systems Bureau for construction of a 2 bedroom home, septic system with municipal water.

6. The lot has access to municipal water supply that will be routed through the driveway.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the site on November 29, 2007 and found impacts had been conducted without a permit from DES.
9. The landowner was issued a Letter of Deficiency (#LRM 08-003) from DES Wetlands Bureau, Compliance Section.
10. The applicant filed the required application to retain and stabilize the wetlands impacts for the constructed driveway access.
11. The applicant received a written agreement from the abutter (Town of Haverhill) for work in wetlands within 20 feet of their abutting property line per Administrative Rule Env-Wt 304.04(a).

2008-00411 TRAFFIE, JAMES
NEW IPSWICH Unnamed Wetland

Requested Action:

Proposal to dredge and fill 7,897 sq. ft. of wetlands for access to a proposed 7-lot residential subdivision.

APPROVE PERMIT:

Dredge and fill 7,590 sq. ft. of wetlands for access to a proposed 7-lot residential subdivision. Work in wetlands consists of three wetland impact areas with two impact areas consisting of filling and grading within the proposed roadway and one impact for a wetland crossing within the proposed roadway which will include a 15 in. x 60 ft. HDPP culvert with associated headwalls, grading and filling.

With Conditions:

1. All work shall be in accordance with plans by Wood Engineering "Drainage and Erosion Control" plan revision dated March 7, 2008, as received by DES on March 17, 2008 and plans by Wood Engineering and Keyland Enterprises, LLC., revision dated February 5, 2009, as received by DES on February 6, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program (if applicable due to currently proposed land alteration or cumulative impacts with related or adjacent projects).
4. Work shall be done during low flow.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This application is phase II of a possible four phased subdivision, Westbrook Heights, Phase I - IV.
6. Westbrook Heights - Phase I included an 8-lot subdivision of tax map/lot 9/32 and did not impact areas under the jurisdiction of the DES Wetlands Bureau.
7. Conceptual phase's III & IV include two (2) seasonal drainage crossings, as depicted on "Plan No. 2-1", received by DES on July 01, 2008.
8. Two alternative road alignments were provided. The alternative with lesser wetland impacts included sharp angles, short radius curves that did not meet many AASHTO standards.
9. This approval is contingent on approval by the DES Alteration of Terrain Program if applicable due to currently proposed land alteration or cumulative impacts with related or adjacent projects.
10. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
11. The New Ipswich Conservation Commission (NICC) submitted an intent to intervene on April 08, 2008, in order to complete a site-inspection.
12. In correspondence dated May 22, 2008, the New Ipswich Conservation Commission stated it was their understanding DES would conduct a site-inspection and that if DES does not complete an inspection a third party would be hired to complete an inspection.
13. In correspondence dated May 23, 2008 the applicant's NH Certified Wetlands Scientist (CWS) indicating the New Ipswich Conservation Commission requested an on-site review of the wetland delineation by DES.
14. In the June 02, 2008 Request for More Information letter, DES requested specific NICC concerns that prompted the DES on-site inspection request and that if warranted DES may conduct a site-inspection with focus on the proposed crossing location.
15. The response received July 01, 2008 stated the NICC hired a third party NH CWS to review the original delineation. The third party disagreed with the delineation and DES review was requested as a neutral third party.
16. DES was not able to conduct a site inspection before the end of the growing season to review the delineation issue.
17. The applicant's CWS did not agree with all of the areas delineated by the third party and the issue could not be resolved between the two parties.
18. The applicant's CWS and engineer reduced the proposed wetlands impacts by decreasing the width of the access road.
19. The applicant's CWS provided documentation that depicted all of the wetland areas added by the third party CWS, which they still can not agree on. If the wetlands identified by both CWSs were considered in the impact number it would result in total wetlands impact of 9,143.2 sq. ft. for this phase of the project as compared to the permitted 7,589.5 sq. ft. of impacts that the applicant's CWS did agree with.
20. If the additional impacts were considered by DES it would not have changed the permit decision because the project will remain a minor impact project per Administrative Rule Env-Wt 303.03(h) and would result in less than 10,000 sq. ft. of wetland impacts, which would not require compensatory mitigation per Administrative Rule Env-Wt 302.03(c)(2).
21. Wetlands impacts for future phases of development will require additional permitting by the department and submittal of appropriate compensatory mitigation if required by cumulative impacts and applicable time frames.
22. DES concluded that it would move forward with a permit decision because the applicant's CWS provided detailed field delineation information as requested and the department had no reason to dispute the information or delineation. Additionally, it was concluded that both parties/CWSs have extensive experience working with the department and it had no reason to take exception to work of either party.

23. The design of proposed access road entrance from Page Hill Road requires impacts to wetlands that are within 20 feet of an abutting property line and the Town's Road right-of-way ("ROW").
24. The applicant provided an agreement signed by two Town of New Ipswich Board of Selectmen concurring with the work in wetlands that is within 20 feet of the Town Road ROW.
25. The applicant was not able to obtain a written agreement from the abutter within 20 feet per Administrative Rule Env-Wt 304.04(a).
26. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for impacts in wetlands that are within 20 feet of an abutting property lines, as required by Env-Wt 304.04.
27. The applicant has attempted to acquire an agreement from the abutting property owner of land identified as tax map/lot 9/34C. Attempts included a letter sent via certified mail and hand delivered by the applicant.
28. The applicant has indicated that the abutter is not willing to provide a written agreement.
29. DES has not received any comments from the abutter in support or opposition to the proposed project.
30. The applicant/agent has indicated that the abutter expressed serious concerns that the proposed road would create an obstruction to existing runoff from Page Hill Road onto his property and would further detain it from properly draining away.
31. The applicant/agent has indicated that the wetland area appears to be created from a previous activity/"Bulldozer" creating a hole and leaving a berm in place restricting flow of water from running away from the abutter's property, which has contributed to an occasional flooding condition on the abutter's property.
32. The applicant/agent has indicated that the proposed ditch line north of the proposed road will intercept the current runoff coming from Page Hill Road, which drains on to the corner of the abutter's property.
33. The agent has indicated and it appears that the new drainage ditch will direct flows away from the abutter's property and onto the applicant's property.
34. The 50 foot wide easement for the parent lot was established in 1993, as depicted on Plan No. 26807 recorded (April 5, 1994) at the Hillsborough County Registry of Deeds.
35. DES confirmed that the plan is recorded with the Registry of Deeds.
36. It appears from information depicted on the recorded plan that the easement was created prior to the current ownership of lot 34C.
37. The applicant has indicated that moving the access road out of the established easement and further into lot 33 would require reconfiguration of the lot in a manner "very inconsistent with current Town design guidelines for new lots."
38. The applicant contests that moving the road to avoid a "tiny unnatural wetland pocket would be completely contrary to and a denial for the Town's other important interests and an excessive hardship for the owner." "Further, to retain the required minimum two acres of land for lot 33 would mean moving the rear property line much farther west possibly eliminating the first lot to the rear (i.e., lot 33-1-1) because of wetland setbacks at the location and other town regulations (re: 75' x 75" rectangular buildable area on the lot)."
39. DES finds that the previously created easement provides the only existing access to the proposed subdivision without eliminating or reconfiguring the existing lot or further development or reconfiguration of lots and roadways on surrounding lands.
40. If the applicant moved the road 20 feet north of the wetland it would still result in a roadway between the existing home on lot 33 and the property line of lot 34C.
41. The existing wetland is indicated to be a small man-made wetland pocket directly adjacent to the Town ROW.
42. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
43. The waiver to Administrative Rule 304.04(a) is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

2008-00938 DUBLIN, TOWN OF
DUBLIN Brush Brook

Requested Action:

Deny permit request to dredge and fill approximately 320 square feet of Brush Brook to install a 57.5-inch x 98.5-inch x 35-foot HDPE liner in an existing 68-inch x 112-inch x 35-foot steel culvert at Cobb Meadow Road.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill approximately 320 square feet of Brush Brook to install a 57.5-inch x 98.5-inch x 35-foot

HDPE liner in an existing 68-inch x 112-inch x 35-foot steel culvert at Cobb Meadow Road.

With Findings:

1. A request for additional information dated September 04, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. DES received an insufficient response to the September 04, 2008, Request for More Information on October 14, 2008.
3. On November 13, 2008, DES issued a general letter stating the outstanding items and the 120 day deadline.
4. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
5. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-01267 BROWN, JAYNE
ALTON Lake Winnepesaukee

Requested Action:

Remove an existing 8'x 24' seasonal docking structure and replace with a 6'x 30' permanent piled docking structure with one ice cluster.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Remove an existing 8'x 24' seasonal docking structure and replace with a 6'x 30' permanent piled docking structure with one ice cluster.

With Findings:

1. A request for additional information dated September 5, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-01296 LOWER BARTLETT WATER PRECINCT
INTERVALE East Branch Saco River

Requested Action:

Proposal to dredge and fill 850 sq. ft. of perennial stream bed and banks (approximately 35 linear ft.) for installation of a water main to provide a municipal fire hydrant and a fire suppression service line to the existing "Polar Express" building. Work in jurisdiction consists of installation of temporary cofferdams and excavation of approximately 10 linear feet of each stream bank and the streambed for placement of the water/service line and restoration of impacts after line placement.

APPROVE PERMIT:

Dredge and fill 850 sq. ft. of perennial stream bed and banks (approximately 35 linear ft.) for installation of a water main to provide a municipal fire hydrant and a fire suppression service line to the existing "Polar Express" building. Work in jurisdiction consists of installation of temporary cofferdams and excavation of approximately 10 linear feet of each stream bank and the streambed for placement of the water/service line and restoration of impacts after line placement.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, LLC dated June 2008, as received by DES on July 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
12. Native material removed from the streambed during the water/service line installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the work area. Any new materials used to restore the streambed shall be similar to the natural stream substrate and shall not include angular rip-rap.
13. Stream banks and the streambed shall be restored to their original grades.
14. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
21. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The service line will provide a municipal fire hydrant and fire suppression for an existing building.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

6. The proposed work consists of temporary impacts that will be restored at the completion of the in stream work.
7. The applicant for the project is the Lower Bartlett Water Precinct, however, the proposed work is to be conducted on land owned by .
8. On February 4, 2009, the applicant provided DES with documentation from the landowner granting permission for the proposed work and requesting to be included on the permit documentation in the event the work is not managed by the "Precinct".
9. The landowner (Believe in Books Literacy Foundation) is included on this approval.

**2008-01397 MOULTONBOROUGH, TOWN OF
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Upgrade an existing town boat ramp by replacing an existing 11 ft x 56 ft ramp with a 12 ft x 72 ft concrete ramp in the same location on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No comments from local Conservation Commission as of Oct 14, 2008

APPROVE PERMIT:

Upgrade an existing town boat ramp by replacing an existing 11 ft x 56 ft ramp with a 12 ft x 72 ft concrete ramp in the same location on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Louis Berger Group revision dated February 2009, as received by DES on February 11, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation and erosion controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. The applicant shall submit plans to the Department for approval prior to the start of construction with regards to the proposed coffer dam installation and removal.
6. The applicant shall submit plans to the Department for approval prior to the start of construction with regards to the proposed dewatering basin location and construction.
7. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Lake Winnepesaukee.
8. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
9. The boat ramp shall be utilized indefinitely as a public access to Lake Winnepesaukee and shall not change in use.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of rock, gravel, sand, mud, or other materials from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The boat ramp provides public access to Lake Winnepesaukee.

**2008-02370 COTE, JOHN & ROSEMARY
MEREDITH Lake Waukegan**

Requested Action:

Rip rap 64 linear feet of stream channel, dredge less than 20 cubic yards from 540 sq ft of lake bed to reclaim the eroded beach sand, replenish the existing beach with the reclaimed sand, and add no more than 10 cubic yards of new sand to the beach above full lake elevation on 100 ft of frontage on Lake Waukegan, in Meredith.

Conservation Commission/Staff Comments:

Con Com has no objections, but recommends a perched beach

APPROVE PERMIT:

Rip rap 64 linear feet of stream channel, dredge less than 20 cubic yards from 540 sq ft of lake bed to reclaim the eroded beach sand, replenish the existing beach with the reclaimed sand, and add no more than 10 cubic yards of new sand to the beach above full lake elevation on 100 ft of frontage on Lake Waukegan, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated February 09, 2009, as received by DES on February 11, 2009.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Work shall be done during drawdown.
4. Work shall be done during low flow.
5. This permit does not allow for any fill to be placed on the frontage for the purpose of raising the elevation of the frontage.
6. No more than 20 cubic yards of material shall be removed from the lakebed.
7. No more than 10 cubic yards of new sand shall be used to replenish the beach and all sand shall be placed above full lake elevation.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of an intermittent or perennial nontidal stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

MINIMUM IMPACT PROJECT

**2008-00628 JENSON, DENNIS & TERESA
RYE Unnamed Stream Atlantic Ocean**

Requested Action:

Retain 540 square feet of impact within a roadside drainage ditch containing two (2) 24-inch HDPE culverts and associated fill for the purpose of obtaining vehicular access to a single-family residential dwelling.

APPROVE PERMIT:

Retain 540 square feet of impact within a roadside drainage ditch containing two (2) 24-inch HDPE culverts and associated fill for the purpose of obtaining vehicular access to a single-family residential dwelling.

With Conditions:

1. All work shall be in accordance with plans by James Verra and Associated, Inc. dated September 10, 2008, as received by DES on October 30, 2008.
2. Supplemental plantings shall be planted as identified on the plan received by DES on February 2, 2009.
3. A monitoring report shall be submitted to DES within 10 days following the planting, but no later than June 1, 2009. Such report shall be submitted to DES with photographs demonstrating the conditions on the plantings.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. An alternate driveway is being sought as the previous drive posed as a safety threat. Therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The previous driveway location could not be removed and restored as the driveway contains the municipal sewer and water mains. The fill had to remain to avoid frost and potential failure. In an effort to mitigate the impacts of the second drive, the applicant will voluntarily plant native wetland shrubs adjacent to the new drive, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Prior to the upgrade, the newer driveway was a smaller crossing containing a small culvert of unknown size and was used as a path for access.
6. On March 12, 2008, the applicant received approval from NH Dept. of Transportation under permit # 06-397-204 for the new driveway.

2008-00867 HUTCHINS, WILLIAM
GREENLAND Unnamed Wetland Great Bay

Requested Action:

Replace existing metal post wire fence with vinyl, add 90 yards of fill for stabilization and plant 6 trees

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replace existing metal post wire fence with vinyl, add 90 yards of fill for stabilization and plant 6 trees

With Findings:

1. A request for additional information dated October 25, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-02399 DENNESEN INDUSTRIAL LLC
SALEM Unnamed Wetland

Requested Action:

Dredge and fill a total of 2,833 sq. ft. of palustrine forested/scrub-shrub wetlands and relocate a drainage ditch for work associated with the expansion of an existing industrial facility.

Conservation Commission/Staff Comments:

The Salem Conservation Commission has reviewed this application and voted to recommend approval.

APPROVE PERMIT:

Dredge and fill a total of 2,833 sq. ft. of palustrine forested/scrub-shrub wetlands and relocate a drainage ditch for work associated with the expansion of an existing industrial facility.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated January 9, 2009, as received by DES on January 27, 2009
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02679 BOATOFGARTEN LLC
EXETER Unnamed Wetland

Requested Action:

Dredge and fill or otherwise impact 2,700 sq. ft. of an isolated palustrine forested/ scrub-shrub wetland required for the expansion of an existing industrial building.

Conservation Commission/Staff Comments:

The Exeter Conservation Commission has reviewed this application and "... the board voted to issue a letter of support for the project."

APPROVE PERMIT:

Dredge and fill or otherwise impact 2,700 sq. ft. of an isolated palustrine forested/ scrub-shrub wetland required for the expansion of an existing industrial building.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. dated December 2, 2008, as received by DES on December 08, 2008.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.

3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02805 EIFERT, DARRELL & RUTH
HAMPTON Tidal Buffer & Atlantic Ocean

Requested Action:

Impact 2,468 sq. ft. within the previously developed upland tidal buffer zone to remove the existing dwelling and construct a new single family residence which will be in compliance with FEMA regulations.

Conservation Commission/Staff Comments:

"The [Hampton] Conservation Commission does not oppose the granting of a wetlands permit for the demolition and reconstruction of a single family residence at 35 Glade Path "

APPROVE PERMIT:

Impact 2,468 sq. ft. within the previously developed upland tidal buffer zone to remove the existing dwelling and construct a new single family residence which will be in compliance with FEMA regulations.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 9/30/2008 (last revised 10/01/08), as received by DES on December 29, 2008.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
3. NH DES Wetlands Bureau Southeast Region Staff and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. There shall be no further alteration of areas in wetlands jurisdiction for lot development, driveways, culverts, or other construction activities
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2009-00356 LAUDERDALE, JAMES
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield Tax Map 13, Lot# 218,541

2009-00357 BETHLEHEM CHRISTIAN CENTER
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:
Bethlehem Tax Map 416, Lot# 51

2009-00358 NEW ENGLAND FORESTRY FOUNDATION
NEW BOSTON Unnamed Stream

COMPLETE NOTIFICATION:
New Boston Tax Map 13, Lot# 33

2009-00360 CAVICCHI, PAUL & MELODY
ENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Enfield Tax Map/Lot# 3/10 & 7/5, 5, 5A, 5B

EXPEDITED MINIMUM

2008-01014 OCONNOR, NEAL & DANNAH
WAKEFIELD Pine River Pond

Requested Action:
Replace a retaining wall with rip-rap.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:
Replace a retaining wall with rip-rap.

With Findings:

1. A request for additional information dated July 10, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-01162 WESTWIND TRUST, ROBERT & AMY JOHNSON
NEW LONDON Pleasant Lake

Requested Action:

Repair 90 linear feet of an existing collapsed retaining wall.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Repair 90 linear feet of an existing collapsed retaining wall.

With Findings:

1. A request for additional information dated September 5, 2008, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A:3, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2008-02041 HEAFIELD, CRAIG
WEARE Unnamed Wetland

Requested Action:

Dredge and fill 1,500 sq. ft. of palustrine forested wetlands for road access to a proposed 15-lot subdivision.

APPROVE PERMIT:

Dredge and fill 1,500 sq. ft. of palustrine forested wetlands for road access to a proposed 15-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises, LLC dated January 2003 and revised though July 24, 2007, as received by the Department on September 25, 2008 and Subdivision Plans by Keyland Enterprises, LLC dated January 2003, and revised through July 24, 2007, as received by the Department on September 25, 2008.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
8. Work shall be done during low flow conditions.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.

14. Culverts shall be laid at original grade.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. A Notice of Administratively Incomplete Minimum Impact Expedited Application was issued on September 26, 2008, requesting Natural Heritage Bureau (NHB) Information.
3. A response from the agent was received on November 24, 2008 intend to satisfy the Notice of September 26, 2008 Administratively Incomplete Minimum Impact Expedited Application request. The response did not include the requested NHB Information.
4. The application was denied untimely on November 25, 2008.
5. A request for reconsideration was received on December 24, 2008.
6. The request for reconsideration included the requested NHB Information, and therefore the application is complete.
7. Per RSA 482-A:10(III), On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration.
8. DES Alteration of Terrain Program approval was obtained on June 01, 2007, WPS-7814.
9. In correspondence dated September 29, 2008, the Piscataquog River Local Advisory Committee was notified of the project.
10. The Conservation Commission signed the Minimum Impact Expedited Application.
11. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
12. This project was previously denied untimely under Wetlands Bureau File No. 2006-02037.
13. For Wetlands Bureau File No. 2006-02037, in email correspondence dated September 29, 2006, the NHFG Nongame and Endangered Species Program indicated the protection provided by the proposed conservation easement will compensate for the potential impacts to possible species habitat.
14. This permit is conditioned that the permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
15. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
16. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
17. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00303 PIERCE, MARYLYN
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing 6 ft x 22 ft permanent dock supported by a 5 ft x 12 ft crib with a seasonal boatlift in the eastern slip on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on 02/19/09

APPROVE PERMIT:

Repair an existing 6 ft x 22 ft permanent dock supported by a 5 ft x 12 ft crib with a seasonal boatlift in the eastern slip on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated February 12, 2009, as received by DES on February 23, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 50 feet of shoreline frontage along Lake Winnepesaukee.

GOLD DREDGE

2009-00351 HAGGERTY, JOHN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00363 ATOMANUK JR, JAMES
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2009-00353 DAVIS, GREG & JOANNE
WAKEFIELD Pine River Pond

COMPLETE NOTIFICATION:
Wakefield, NH Tax Map 57 Lot 38
Pine River Pond

PERMIT BY NOTIFICATION

2008-01623 BULT, GORDON
FRANKLIN Webster Lake

Requested Action:
Incomplete PBN, no response to RMI

PBN DISQUALIFIED:
Incomplete PBN, no response to RMI

With Findings:
Incomplete PBN, no response to RMI

2008-01695 MCLAUGHLIN, CHARLES
WAKEFIELD Lovell Lake

Requested Action:
Incomplete application- no response to RMI

PBN DISQUALIFIED:
Incomplete application- no response to RMI

With Findings:
1. No response to RMI. Incomplete application

2009-00336 BOUSCAREN, JOSEPH & HELEN HUNT
SUNAPEE Lake Sunapee

Requested Action:
Repair an existing docking facility consisting of a boat house.

Conservation Commission/Staff Comments:
Con Com signed PBN on 02/09/09

With Findings:
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

CSPA PERMIT

2008-01899 MADDOCK, ELLEN
STRAFFORD Bow Lake

Requested Action:

Impact 493 sq ft to construct a slab foundation for an existing accessory structure.

APPROVE PERMIT:

Impact 493 sq ft to construct a slab foundation for an existing accessory structure.

With Conditions:

1. All work shall be in accordance with plans by P.B.J. Carpentry & Builder LLC, received by the Department of Environmental Services ("DES") on September 12, 2008.
2. No more than 6.97% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 16,365 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,432.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02047 MERCIER, SANDRA FAMILY TRUST
NEWBURY Lake Sunapee

Requested Action:

Applicant requests to amend the permit to include additional utility line impacts and a deck.

APPROVE AMENDMENT:

Amend permit to read: Impact 474 sq ft to construct a deck, parking, and install buried electric and sewer lines.

With Conditions:

1. All work shall be in accordance with plans by RCS Designs dated February 19, 2009 and received by the Department of Environmental Services ("DES") on February 23, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Any future amendments to this permit will require completion of a new Shoreland Application Worksheet.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00085 COOPER, GLENN
GILFORD Lake Winnepesaukee

Requested Action:

Impact 180 sq ft of the purpose constructing an addition and deck onto an existing house and repairing the existing stairs and deck attached to existing dock.

APPROVE PERMIT:

Impact 180 sq ft of the purpose constructing an addition and deck onto an existing house and repairing the existing stairs and deck attached to existing dock.

With Conditions:

1. All work shall be in accordance with plans by JP Builders CO LLC revised February 17, 2009 and received by the Department of Environmental Services ("DES") on February 19, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 7.97% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00122 TRAINER, GEORGE
EAST WAKEFIELD Belleau Lake

Requested Action:

Impact 1435 sq ft for the purpose of constructing a garage and a bio-retention garden and removing a 196 sq ft shed and 481 sq ft of an existing driveway.

APPROVE PERMIT:

Impact 1435 sq ft for the purpose of constructing a garage and a bio-retention garden and removing a 196 sq ft shed and 481 sq ft of

an existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Land Tech revised February 5, 2009 and received by the Department of Environmental Services ("DES") on February 17, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No more than 28.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 2,708 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,507.8 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00156 NH DEPT OF TRANSPORTATION
LEBANON Connecticut River

Requested Action:

Impact 18,136 sq ft to erect a temporary detour bridge downstream from the existing US Route 4 bridge over the Connecticut River between Lebanon, NH and Hartford, VT.

APPROVE PERMIT:

Impact 18,136 sq ft to erect a temporary detour bridge downstream from the existing US Route 4 bridge over the Connecticut River between Lebanon, NH and Hartford, VT.

With Conditions:

1. All work shall be in accordance with plans by The State Of New Hampshire Department of Transportation dated January 2009, as received by DES on February 18, 2009.
2. Following completion of this project, or within five years from the approval date of this permit, which occurs sooner, all areas impacted for the construction of the temporary bridge shall be regraded to original contours and all impacts associated with the temporary work shall be restored and immediately revegetated.
3. A planting and restoration plan shall be submitted to DES for review and approval no later than four years after the approval date of this permit.
4. This permit is contingent on review and approval of final stream diversion/erosion control plans by the DES Wetlands Bureau under RSA 482-A.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
13. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

With Findings:

1. The purpose and intent of RSA 483-B is protect the quality and integrity of the state's public waters by establishing standards that shall serve to, among other things, further the maintenance of safe and healthful conditions, provide for economic development in proximity to the waters, and anticipate and respond to the impacts of development in shoreland areas.
2. The bridge that conducts Rte 4 over the Connecticut River is in need of replacement in order to maintain a safe and healthful condition.
3. In order to continue to provide for economic development along the Connecticut River corridor this major transport route must be maintained through the construction of a temporary bridge.
4. The Department of Environmental Services ("DES") finds that the proposal to construct a temporary bridge crossing while the existing bridge is replaced meets the intents and purposes of the Comprehensive Shoreland Protection Act as outlined in RSA 483-B:2.

CSPA PERMIT W/VARIANCE

2008-02686 MISTY LEAH LLC
NORTHWOOD Harvey Lake

Requested Action:

Impact 2,318 sq. ft for the installation of gravel parking spaces, and convert an existing house and 7 cabins into condominiums.

APPROVE PERMIT:

Impact 2,318 sq. ft for the installation of gravel parking spaces, and convert an existing house and 7 cabins into condominiums.

VARIANCE APPROVED: A variance of RSA 483-B:9 V,(e),(2),(a) is granted to allow the existing cottages to condominiums.

With Conditions:

1. All work shall be in accordance with plans by True Engineering dated May 17, 2006 and received by the Department of Environmental Services ("DES") on December 9, 2008.
2. This permit shall not be effective until the owner obtains subdivision approval from DES in accordance with RSA 485-A.
3. This variance the required subdivision approval shall not be effective until both documents have been recorded at the appropriate county registry of deeds office by the Permittee. Copies of the recorded approvals shall be submitted to the DES Wetlands Bureau

by certified mail, return receipt requested, prior to construction.

4. No more than 12.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 65,315 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 33,816 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The parcel of land within the protected shorelands of Harvey Lake in Northwood contains 463 feet of shoreland frontage, and therefore fails to conform to a minimum standard set forth in RSA 483-B:9,(d),(2),(A), of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. The proposed project will not injure the public or private rights of others.
4. Granting the variance is not inconsistent with the public interest.
5. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

2008-02753 EAGLE POND LLC, C/O SCOTT BRODY
WILMOT Eagle Pond

Requested Action:

Impact 47,697 sq ft for the purpose of constructing a new building to be used as a bunkhouse, installing a wastewater and a storm water system, replacing a snow damaged building, and constructing additions onto two existing camp buildings within the boundaries of an existing summer camp.

APPROVE PERMIT:

Impact 47,697 sq ft for the purpose of constructing a new building to be used as a bunkhouse, installing a wastewater and a storm water system, replacing a snow damaged building, and constructing additions onto two existing camp buildings within the boundaries of an existing summer camp.

VARIANCE APPROVED: A variance to RSA 483-B:9, V, (g), (2) is granted so as not to require the replanting of all of the 50 foot shoreline segments to the equivalent of 50 points.

With Conditions:

1. All work shall be in accordance with plans by Blakeman Engineering, Inc. dated December 10, 2008 and received by the Department of Environmental Services ("DES") on December 18, 2008.
2. This approval includes a variance of RSA 483-B:9, V, (g), (2) and, therefore, shall not be effective until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.

4. Segments 29 and 30 of the waterfront buffer shall be replanted in accordance with the planting plan revised February 20, 2009 and received by DES on February 20, 2009. Plantings shall be completed prior to the construction of the new bunkhouse.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 24.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. The project as proposed will leave approximately 88,798 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 88,781 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. In accordance with RSA 483-B:9, V(i), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
2. The property in question has historically been operated as a youth camp providing outdoor experiences including swimming and other water related activities. The camp could not reasonably continue to provide the water-related recreational and educational opportunities if they were required to replant the existing beaches to the functional equivalent of 50 points.
3. The continued maintenance of the beaches would be consistent with the intent of the statute as outlined in RSA 483-B:2, XIII.
4. The proposed project will not injure the public or private rights of others.
5. Granting the variance will be consistent with the public interest as the facilities will continue to allow recreational opportunities for children on NH's public waters.
6. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

CSPA PERMIT W/WAIVER

2008-02512 LEBLANC, LUANNE
FITZWILLIAM Sip Pond

Requested Action:

Impact 102 sq ft for the purpose of constructing an addition onto an existing seasonal single family dwelling and converting 537 sq ft of an existing gravel driveway to lawn.

APPROVE PERMIT:

Impact 102 sq ft for the purpose of constructing an addition onto an existing seasonal single family dwelling and converting 537 sq ft of an existing gravel driveway to lawn.

WAIVER APPROVED: RSA 483-B:9, II, is waived to allow for the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs revised on February 24, 2009 and received by the Department of Environmental Services ("DES") on February 25, 2009.
2. This approval includes a waiver of RSA 483-B:9, II and, therefore, shall not be effective until it has been recorded at the Cheshire County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 29.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an overall decrease in impervious surface area within the protected shoreland from the current 3,264 sq ft (34%) to 2,825 sq ft (29.3%).
4. The applicant has proposed to reduce the impervious surface area to a percentage that meets the limits of RSA 483-B:9, V (g), (1), and therefore, meets the requirements for a waiver to RSA 483-B:9,II as described in RSA 483-B: 11, I.